

MONTANA WATER COURT, UPPER MISSOURI DIVISION
MISSOURI RIVER FROM SUN RIVER TO MARIAS RIVER - BASIN 41Q

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CLAIMANT: White Wolf Ranch, LLC

CASE 41Q-0108-I-2023
41Q 30112670

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

FINDINGS OF FACT

1. White Wolf Ranch, LLC is the record owner of domestic claim 41Q 30112670.
2. Claim 41Q 30112670 was decreed with a variety of DNRC issue remarks:

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/30/2020, THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY VICTOR O POWER, MARY L POWER, MARJORIE J MCCLELLAN, & DORIS DEAN WELLS (SOON TO BE DANIEL WELLS PER PROBATE). NO TYPE OF HISTORICAL RIGHT WAS CLAIMED. DOCUMENTATION TO SUPPORT THE TYPE OF HISTORICAL RIGHT WAS NOT SUBMITTED WITH THIS CLAIM. NO VOLUME HAS BEEN CLAIMED. THE VOLUME GUIDELINE FOR THIS PURPOSE IS 1.38 ACRE-FEET PER YEAR.

THIS CLAIM NUMBER WAS NOT INCLUDED IN THE BASIN 41Q DECREE ISSUED 05/27/2010.
NO QUANTIFIED FLOW RATE HAS BEEN CLAIMED.

The Water Court is required by statute to resolve all issue remarks decreed on claim abstracts.

3. The ownership issue remark decreed on claim 41Q 30112670 lists several potential owners for claim 41Q 30112670. Based on the information available in the Montana Cadastral Mapping Project, White Wolf Ranch, LLC is the properly listed owner of claim 41Q 30112670.

4. The July 11, 2017 Statement of Claim did not provide a flow rate, volume, or type of historical right:

9. **FLOW RATE USED:** *Don't know* ☐ gallons per minute ☐ miner's inches ☐ cubic feet per second
10. **VOLUME:** *Don't know* acre-feet per year
13. **TYPE OF HISTORIC RIGHT:** ☐ Decreed ☐ Filed Appropriation ☐ Use **Date of first use:** _____
Attach copies of the decree, record of filing, or proof of use right.
Don't know/well has been in use since 1940

5. On April 27, 2023, an Order Setting Filing Deadline was issued. The Order explained that per Rule 19(b)(1), W.R.C.E.R. the flow rate guideline for domestic claims is 35.00 gallons per minute (gpm); per Rule 19(b)(2), W.R.C.E.R. the volume guideline for claim 41Q 30112670 is 2.75 acre-feet. The Order set a deadline for White Wolf Ranch, LLC to file a statement agreeing or disagreeing that the issue remarks decreed on claim 41Q 30112670 would be addressed by making the following additions to the claim:

Type of Historical Right:	USE
Purpose (use):	DOMESTIC
Flow Rate:	35.00 GPM
Volume:	2.75 AC-FT

6. On May 2, 2023, Marjie J. McClellen of White Wolf Ranch, LLC filed a statement indicating agreement with the resolution proposed in the April 27, 2023 Order.

PRINCIPLES AND CONCLUSIONS OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

2. The remark indicating claim 41Q 30112670 was not included in the 2010 decree is a notice-type issue remark. As no objection was filed, no further proceedings are required.

RECOMMENDATIONS

1. Claim 41Q 30112670 should be modified as shown in Finding of Fact No. 5.

2. The issue remarks should be removed from claim 41Q 30112670. A Post Decree Abstract of Water Right Claim is served with the Report for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

White Wolf Ranch, LLC
1316 3rd Ave N
Great Falls, MT 59401

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, FROM SUN TO MARIAS RIVERS
BASIN 41Q

Water Right Number: 41Q 30112670 STATEMENT OF CLAIM

Version: 2 -- POST DECREE

Status: ACTIVE

Owners: WHITE WOLF RANCH LLC
1316 3RD AVE N
GREAT FALLS, MT 59401

Priority Date: DECEMBER 31, 1940

Type of Historical Right: USE

Purpose (use): DOMESTIC

Flow Rate: 35.00 GPM

Volume: 2.75 AC-FT

Households: 1

Maximum Acres: 0.50

Source Name: GROUNDWATER

Source Type: GROUNDWATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNE	23	19N	8E	CASCADE

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: WELL

Period of Use: MAY 1 TO OCTOBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	0.50		N2NWNE	23	19N	8E	CASCADE

Total: 0.50